September ___, 2009

To The Honorable Chief Justice George
and Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

Re: *City of Irvine v. Southern California Association of Governments*
Supreme Court Case No. S175329

Dear Chief Justice and Associate Justices of the Supreme Court:

The City of Lafayette and the Town of Moraga, (collectively, "Cities") present this letter in support of the City of Irvine's Petition for Review of the opinion issued by the Fourth District Court of Appeal, Division Three, in the above-referenced case.

The Cities are mature, built-out communities constrained by hilly terrain with relatively little land to accommodate additional development. In and around the Downtowns, the Cities allow and encourage higher density residential developments of up to 35 units per acre and more in some circumstances. Outside of their respective downtown areas, each community values the semi-rural character of the hillside residential neighborhoods. Each City only permits lower density residential developments on the hillsides in order to retain the undeveloped character of the hillsides and/or in recognition of the environmental constraints for hillside development.

As municipalities that must address the needs and desires of its residents, the Cities have an interest in both housing and land use planning decisions within their boundaries, and in ensuring that State housing policies, goals and objectives are faithfully met by the regional councils of governments, such as the Southern California Association of Governments.

The Cities are very concerned about the decision rendered by the Court of Appeal and its statewide impact. If not vacated or reversed by this Court upon review, then the Cities and all other stake-holders with an interest in ensuring full legal compliance with State housing policies, goals and objectives will have no ability to seek judicial review, even when clear violations of law have been made by a regional council of government.

The Cities are also concerned that the Court of Appeal's decision may be cited and followed in future challenges to other decisions of regional councils of government, thereby precluding judicial review of non-housing planning decisions. For instance, the recent enactment of SB 375 in the 2007-2008 Legislature Session establishes lengthy and intricate administrative requirements that require decisions to be made by regional councils of government in connection with greenhouse gas reduction plans and regional transportation plans. If the Court of Appeal decision remains precedential, regional councils of government most certainly will use the decision as a basis for arguing that judicial review of these types of decisions is precluded – again, no matter how unlawful or inconsistent with State planning goals and objectives.

Therefore, the Cities respectfully request that this Court grant the Petition for Review filed by the City of Irvine.

Very truly yours,

Don Tatzin, Mayor
City of Lafayette

David Trotter, Mayor
Town of Moraga

cc: Sean Joyce, City Manager, City of Irvine
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(Proof of Service Attached)